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12 Attorneys for Defendant
13 VARIAN MEDICAL SYSTEMS, INC.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNIVERSITY OF PITTSBURGH OF THE
18 COMMONWEALTH SYSTEM OF HIGHER
19 EDUCATION d/b/a UNIVERSITY OF
20 PITTSBURGH, a Pennsylvania non-profit
21 corporation (educational),

22 Plaintiff,

23 v.

24 VARIAN MEDICAL SYSTEMS, INC., a
25 Delaware corporation,

26 Defendant.

Case No. CV 08-02973 MMC

**DECLARATION OF MATTHEW H.
POPPE RE: E-FILING OF
DECLARATION OF HASSAN
MOSTAFAVI**

1
2 I, Matthew H. Poppe, declare:

3 1. I am a member of the bar of the State of California and a partner with
4 Orrick, Herrington & Sutcliffe LLP, counsel of record for plaintiff Varian Medical Systems, Inc.
5 I make this declaration of my own personal knowledge and, if called as a witness, I could and
6 would testify to the truth of the matters set forth herein.

7 2. I am a user of the Court's Electronic Case File ("ECF") program.

8 3. I hereby attest that I obtained the concurrence of Hassan Mostafavi in the
9 filing of the Declaration of Hassan Mostafavi in Support of Varian's Administrative Motion to
10 File under Seal Exhibits to Sealed Poppe Declaration.

11 I declare under penalty of perjury under the laws of the United States that the
12 foregoing is true and correct. Executed on July 22, 2008 in Menlo Park, California.

13
14 /s/ Matthew H. Poppe

Matthew H. Poppe
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the DECLARATION OF MATTHEW H. POPPE RE: E-FILING OF DECLARATION OF HASSAN MOSTAFAVI was served upon the University of Pittsburgh, through its counsel, via:

_____	Hand-Delivery
_____	Facsimile
_____	First Class, US Mail, Postage Prepaid
_____	Certified Mail-Return Receipt Requested
<u> X </u>	ECF Electronic Service
_____	Overnight Delivery

at the following addresses:

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Dated: July 22, 2008

/s/ Matthew H. Poppe
Matthew H. Poppe